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SOUTHERN DISTRICT OF CALIFORNIADPA
DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PATSY ANN DIXON,

Plaintiff,

vs.

GEORGE W. BUSH, JR.,

Defendant.

CASE NO. 12-CV-1809 BEN (DHB)

**ORDER DENYING MOTION TO
PROCEED *IN FORMA PAUPERIS***

[Doc No. 2]

On July 23, 2012, Plaintiff Patsy Ann Dixon, proceeding *pro se*, filed a civil complaint against Defendant George W. Bush, Jr.¹ and a motion to proceed *in forma pauperis*. ECF Nos. 1, 2. Because the complaint appears frivolous, the Court declines to grant Dixon leave to proceed *in forma pauperis*.

DISCUSSION

All parties instituting any civil action in a district court, except an application for writ of habeas corpus, must pay a filing fee of \$350. 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). A party seeking *in forma pauperis* status must submit an affidavit stating that she is unable to pay the costs of the lawsuit. § 1915(a). "The granting or refusing of permission to proceed *in forma pauperis* is a matter committed to the sound discretion of the district

¹ Presumably, the named defendant is the former 43rd President of the United States of America. On the Civil Cover Sheet, Dixon also names as defendants George H.W. Bush, Sr. and Barbara Bush.

1 court.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965) (citations omitted). “A district court may
 2 deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed
 3 complaint that the action is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d
 4 1368, 1370 (9th Cir. 1987). A complaint, “containing as it does both factual allegations and legal
 5 conclusions, is frivolous where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*,
 6 490 U.S. 319, 325 (1989). “[A] court is not bound, as it usually is when making a determination based
 7 solely on the pleadings, to accept without question the truth of the plaintiff’s allegations.” *Denton v.*
 8 *Hernandez*, 504 U.S. 25, 32 (1992). If the facts alleged are “clearly baseless”—a category
 9 encompassing allegations that are fanciful, fantastic, and delusional—dismissal is warranted. *Id.* at
 10 32-33.

11 Dixon’s complaint states, in its entirety:

12 On July 4, 2012, this person, Patsy A. Dixon was assaulted by one George W. Bush,
 13 Jr. while going to the land owned by Patsy Ann Dixon’s friend, now deceased, by way
 14 of George W. Bush, Jr., Sir John Denver who willed the land surrounding Aspen, CO
 to thee and/or Patsy Ann Dixon. I am litigating for proceeds of all companies and/or
 businesses that John let use “his” properties, as I am sole “heir.”

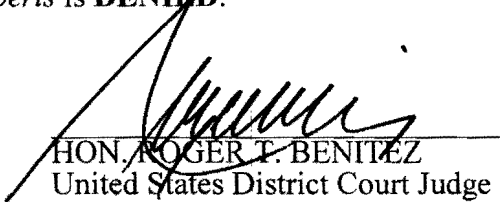
15 Dixon has not shown grounds to proceed *in forma pauperis*. In her complaint, she fails to
 16 provide an arguable factual basis for her conclusory and threadbare allegations.² As a result, this
 17 action appears frivolous.

18 CONCLUSION

19 Dixon’s motion to proceed *in forma pauperis* is **DENIED**.

20 **IT IS SO ORDERED.**

21 DATED: December 7, 2012

22 
 HON. ROGER T. BENITEZ
 United States District Court Judge

26 _____
 27 ² Dixon’s affidavit in support of her *in forma pauperis* application is also difficult to follow.
 28 For example, she lists as assets: “several stock ‘holdings’ by way of Crystal Inheritance but ‘gifted’
 to Sir Carlisle Kruse Madoff Trump to extinguish malproportioned eye-witness accounts to Sir John
 Rockefeller’s demise. They are in court now at Carlton Ritz Madoff Trump’s Homestead at Colorado
 and/or Vail.”